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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/838,141	04/20/2001	Raymond E. Suorsa	033048-050	9524
21839	7590	08/03/2004		
BURNS DOANE SWECKER & MATHIS L L P			EXAMINER	
POST OFFICE BOX 1404			SORRELL, ERON J	
ALEXANDRIA, VA 22313-1404			ART UNIT	PAPER NUMBER

2182

DATE MAILED: 08/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/838,141	SUORSA ET AL.	
	Examiner	Art Unit	
	Eron J Sorrell	2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on ____.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) Claim(s) ____ is/are allowed.
- 6) Claim(s) 1-18 is/are rejected.
- 7) Claim(s) ____ is/are objected to.
- 8) Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 20 April 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some *
 - c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. ____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 13-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Referring to claim 13, there appears to be missing language in the claim making the claim indefinite. It is the position of the Examiner that the claim should read "... wherein the step of determining comprises determining whether the one..." Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an

Art Unit: 2182

application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-4, 8, 10, 12, 13, 14, and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Bjornberg et al. (U.S. Patent No. 6,389,126 hereinafter "Bjornberg").

6. Referring to claim 1, Bjornberg teaches a method for automated provisioning of computer networks comprising a plurality of customer accounts, wherein the customer accounts relate to specific customer hardware devices contained on the network, and specific customer software applications deployed by way of the computer network, comprising the steps of:

receiving at least one command to be executed on a network device related to a specific customer account (see line 59 of column 6 to line 21 of column 9);

reading parameters from a network database related to the at least one command (see line 59 of column 6 to line 21 of column 9);

determining whether the at least one command can be properly executed based upon the parameters read (see line 59 of column 6 to line 21 of column 9); and

executing the at least one command only if it is determined that the at least one command can be properly executed (see line 59 of column 6 to line 21 of column 9).

7. Referring to claim 2, Bjornberg teaches the command is executed by a network agent (see lines 8-58 of column 9; note the verification process, task analyzer, and distribution process comprise the agent).

8. Referring to claim 3, Bjornberg teaches the agent has the highest available access on the network device (see lines 8-58 of column 9).

9. Referring to claim 4, Bjornberg teaches the agent provides information needed from the network database for comparison with parameters read therefrom (see lines 8-58 of column 9).

10. Referring to claim 8, Bjornberg teaches the step of determining is based upon reading software configuration requirements (see line 59 of column 6 to line 7 of column 9).

11. Referring to claims 10 and 11, Bjornberg teaches the software configuration requirements indicate that the at least

one command is a customer specific command and whether the customer to which the software configuration requirement is specific is the same customer to which the network device is related (see lines 28-43 of column 6; note that each user issues commands for their applications).

12. Referring to claim 12, Bjornberg teaches the step of executing comprises installing one or more software packages (see lines 59-67 of column 6).

13. Referring to claim 13, Bjornberg teaches the step of determining comprises determining whether the one or more software packages relates to a specific customer (see lines 38-43 of column 6).

14. Referring to claim 15, Bjornberg teaches the one or more software packages relate to a specific customer (see lines 38-43 of column 6).

15. Referring to claim 16, Bjornberg teaches the one or more software packages that relate to a specific customer are installed by way of the step of executing only if it is determined in the step of determining that the network device

upon which the one or more software packages are to be installed is associated with the customer to which the one or more software packages relate (see lines 38-57 of column 6).

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

17. Claims 6,7,17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bjornberg in view of Gonda et al. (U.S. Patent No. 6,662,221 hereinafter "Gonda").

18. Referring to claims 6 and 7, Bjornberg fails to teach receiving a message that at least one command is to be executed from a secure provisioning network, verifying the validity of the message by requesting verification from the secure provisioning network, wherein the separate verifying is accomplished by way of a communication gateway of the provisioning network.

Gonda teaches, in an analogous method, the above limitations (see lines 22-47 of column 4).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the method of Bjornberg with the above teachings of Gonda. One of ordinary skill in the art would have been motivated to make such modification in order to provide extra security the data being transmitted as suggested by Gonda (see lines 44-47 of column 4).

19. Referring to claims 17 and 18, Bjornberg fails to teach that each customer is assigned to an individual virtual local area network (VLAN), wherein the one or more software package is installed only if the network device resides on the VLAN of the customer to which the one or more software packages relate.

Gonda teaches, in an analogous method, the above limitations (see lines 48-54 of column 4 and lines 40-67 of column 6).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the method of Bjornberg with the above teachings of Gonda. One of ordinary skill in the art would have been motivated to make such modification in order to provide vendor-independence, and/or

full flow-through automation of configuration management tasks as suggested by Gonda (see lines 49-59 of column 4).

20. Claims 9 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bjornberg in view of Reisman (U.S. Patent No. 6,125,388).

21. Referring to claims 9 and 14, Bjornberg fails to teach the software configuration requirement indicate that the at least one command is suitable for all customers and wherein the one or more software packages do not relate to a specific customer, and the at least one command can be properly executed on network devices related to any customer.

Reisman teaches, in an analogous system and method, the above limitation (see paragraph bridging columns 6 and 7).

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to modify the method of Bjornberg with the above teachings of Reisman. One of ordinary skill in the art at the time of the applicant's invention would have been motivated to make such modification in order to distribute predetermined information objects from a remote source to users of diversity of uncoordinated computer systems as suggested by Reisman (see lines 6-10 of column 7).

Conclusion

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following references are cited to further show the state of the art as it pertains to automatic provisioning systems:

U.S. Patent No. 6,330,586 to Yates et al. teaches a service provisioning system with reconfigurable software agents; and

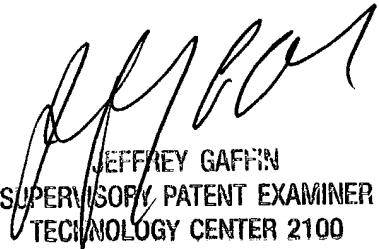
U.S. Patent No. 5,650,994 to Daley teaches a system for provisioning services to a network based on user requests.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eron J Sorrell whose telephone number is 703 305-7800. The examiner can normally be reached on Monday-Friday 9:00AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A Gaffin can be reached on 703 308-3301. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EJS
July 28, 2004



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